IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WRS, INC., d/b/a WRS MOTION PICTURE LABORATORIES, a corporation, Plaintiff, v. PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, CHARLES von BERNUTH and JOHN HERKLOTZ, Defendants.	)	Civil Action No. 00-2041

ORDER

AND NOW, this 21st day of July, 2006, it is hereby ORDERED as follows:

1. The motion of plaintiff, WRS, Inc., for summary judgment (Doc. 91), pursuant to Fed.R.Civ.P. 56, as to the liability of defendant John Herklotz for the debt of Plaza Entertainment under the May 16, 1998 surety agreement is granted.

2. The cross-motion of defendant John Herklotz for summary judgment (Doc. 81), pursuant to Fed.R.Civ.P. 56, as to his liability for the debt of Plaza Entertainment under the May 16, 1998 surety agreement is denied.

3. The alternative motion of defendant John Herklotz for partial summary judgment (Doc. 81), pursuant to Fed.R.Civ.P. 56, as to his liability for the debt of Plaza Entertainment under the May 16, 1998 surety agreement is denied.

4. The motion of defendant John Herklotz for summary judgment (Doc. 81), pursuant to Fed.R.Civ.P. 56, as to damages is denied.

Arthur J. Schwab
United States District Judge
for
William L. Standish
United States District Judge

cc: Thomas E. Reilly, Esq.
2025 Greentree Road
Pittsburgh, PA 15220

Eric Parkinson
4929 Wilshire Boulevard
Suite 830
Los Angeles, CA 90010

John W. Gibson, Esq.
1035 Fifth Avenue
Pittsburgh, PA 15219

David J. Hickton, Esq.
John P. Sieminski, Esq.
BURNS, WHITE & HICKTON, LLC
106 Isabella Street
Four Northshore Center
Pittsburgh, PA 15212-3001

Vicki H. Mortimer, Esq.
HEINTZMAN, WARREN, WISE & FORNELLA, P.C.
707 Grant Street
The Gulf Tower, 35th Floor
Pittsburgh, PA 15219